

HOUSE BILL 872
By DeBerry J

AN ACT to amend Tennessee Code Annotated, Section 37-1-151,
relative to parental liability for child support.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-151(b)(2), is amended by designating the current language as subdivision "(A)" and by adding the following new language, to be designated as subdivision (B):

(B) Notwithstanding the provisions of this section or any other law to the contrary, if the court places physical custody of the child with an agency of the state; and if no prior orders for the support of the child by each parent exist at the time of the placement; and if the court fails to immediately order child support at the time of the placement or, alternatively, to set a hearing within forty-five (45) days of the date the child's custody is placed with the state; and if more than forty-five (45) days elapse from the date of the placement until the date of any hearing subsequently conducted for the purpose of establishing child support or the provision of medical care; **then** any order for child support or the provision of medical care must be prospective from the date of the subsequent hearing, and, under no circumstances, shall any such order be retroactive for any period between the date of the placement and the date of the subsequent hearing.

SECTION 2. Tennessee Code Annotated, Section 37-1-151(b)(4)(A), is amended by deleting the final sentence and by substituting instead the following:

Except to the extent otherwise restricted by the provisions of § 37-1-151(b)(2)(B), the order for support and for medical care shall be retroactive to the date that custody of the child was placed with the state by any order of the court.

SECTION 3. This act shall take effect July 1, 2005, the public welfare requiring it, and shall apply only when a child comes into the custody of an agency of the state on or after such date.